

(i) All requests for information under the Privacy Act received by the Agency will be acted upon as promptly as possible.

**§ 603.4 Requests for determination of existence of records.**

Any individual desiring to know whether any system of records maintained by the Agency contains a record pertaining to the individual shall send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. All requests for determination of the existence of records should include sufficient information to identify the system of records, such as its name or FEDERAL REGISTER identifier number if known, in addition to such identifying information as the individual's name and date of birth.

**§ 603.5 Requests for disclosure to an individual of records pertaining to the individual.**

(a) An individual desiring access to or copies of records maintained by the Agency shall send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. All requests for disclosure to an individual of records pertaining to that individual should include sufficient information to identify the record or system of records such as its name or FEDERAL REGISTER identifier number if known, in addition to such identifying information as the individual's name and date of birth.

(b)(1) Except as provided in paragraph (b)(2) of this section:

(i) If the individual making a written request is not personally known to the Privacy Act Officer or to other Agency personnel processing the request, the written request must include satisfactory evidence that the requester is in fact the individual to whom the requested records pertain. For this purpose, the Agency normally will be satisfied by the receipt of the requester's statement of identity made under penalty of perjury.

(ii) If the individual making a request in person is not personally known to the Privacy Act Officer or to

other Agency personnel processing the request, the requester must present two identification documents (at least one of which must bear the requester's picture) containing the individual's signature and other suitable evidence of identity. Examples of acceptable evidence are a driver's license, passport, employee identification card, or military identification card.

(2) Evidence that the requester is in fact the individual to whom the requested records pertain is not required for information that would be required to be made available to a third party under the Freedom of Information Act (5 U.S.C. 552).

(c)(1) Access to or copies of records requested pursuant to this section shall be furnished except as provided in paragraph (c)(3) of this section:

(i) To an individual making a request in person, upon verification of personal identity as required in paragraph (b) of this section, to that individual, and if the individual is accompanied by any other person, upon the individual's request, to that person, except that the Agency may require the individual to furnish a written statement authorizing disclosure of the individual's record in the presence of the accompanying person.

(ii) To an authorized representative or designee of an individual, if the individual has provided verification of personal identity as required in paragraph (b) of this section, and submits a signed, notarized statement authorizing and consenting to access or disclosure to the representative or designee.

(iii) To a physician authorized by a signed, notarized statement made by the individual making the request, in the event that the records requested are medical records of such a nature that the Privacy Act Officer has determined that the release of such medical information directly to the requester could have an adverse effect on the requester. The individual making the request must also provide verification of personal identity as required in paragraph (b) of this section.

(2) Access to records or copies of records requested shall be furnished as promptly as possible.

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(3) Access to or copies of records requested pursuant to this section shall not be granted if:

(i) The individual making the request does not comply with the requirements for verification of personal identity as required in paragraph (b) of this section; or

(ii) The records are exempt from disclosure pursuant to § 603.8.

### **§ 603.6 Requests for amendment of records.**

(a) An individual may request amendment of a record pertaining to that individual by sending a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. The request should identify the record sought to be amended, specify the precise nature of the requested amendment, and state why the requester believes that the record is not accurate, relevant, timely or complete.

(b) Not later than ten (10) days after receipt of such request (excluding Saturdays, Sundays and legal holidays), the Privacy Act Officer shall promptly:

(1) Make any correction of any portion of the record pertaining to the individual which the Agency considers appropriate; and

(2) Inform the requester in writing of the action taken by the Agency, of the reason for refusing to comply with any portion of the request, and of the procedures established by the Agency to consider requests for review of such refusals.

(c) The Privacy Act Officer will refuse to amend a record if the information therein is deemed by the Agency:

(1) To be relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President; and

(2) To be maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual; and

(3) Not to describe how the individual exercises rights guaranteed by the First Amendment unless expressly au-

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thorized by statute or by the individual about whom the record is maintained.

(d) When the Privacy Act Officer agrees to amend a record, written notice that the record has been amended and the substance of the amendment will be sent to the last known address of all previous recipients of that record shown in Agency's Privacy Act Requests File.

### **§ 603.7 Appeals from denials of requests.**

(a) An individual who disagrees with the refusal of the Privacy Act Officer to disclose or amend a record may request a review of such refusal within 30 days of receipt of notice of the refusal. Such request should be addressed to the Deputy Director, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451, and should include a copy of the written request that was refused, a copy of the denial complained of, and reasons for appeal from the denial.

(b) Review shall be made by the Deputy Director on the submitted record. No personal appearance, oral argument, or hearing shall be permitted.

(c) Review will be completed and a final determination made not later than 30 days (excluding Saturdays, Sundays and legal holidays) from the date on which the request for such review is received. This 30-day limitation may be extended, at the discretion of the Agency for good cause shown. The requester will be notified in writing of the Agency's final determination.

(d) If, after completion of the review, the Deputy Director also refuses to disclose or amend the record as requested, the notice to the individual will advise the individual of the right to file with the agency a concise statement setting forth the reasons for disagreement with this refusal.

(e) When an individual has filed with the Agency a statement of disagreement following a refusal to amend the record as requested, the Agency will clearly note that portion of the record that is disputed and will send copies of the statement of disagreement to the last known address of all previous recipients of the disputed record shown in the Agency's Privacy Act Requests File.